



## PROCEDURAL BASIS OF LAWYER'S PARTICIPATION IN CONDUCTING CRIMINAL CASES OF CERTAIN CATEGORIES.

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**Abstract:** In this article, the procedural bases of the lawyer's participation in the conduct of criminal cases of a specific category. Information is provided about the specific features of the procedural process in the conduct of criminal cases of separate categories.

**Key words:** special category, crime, procedural, minors, code, lawyer, court, investigation.

Article 26 of the Constitution of the Republic of Uzbekistan guarantees the personal and liberties of people as follows:

"The case of each person accused of committing a crime is considered in court in a legal manner and publicly, and he is not considered guilty until his guilt is determined. The person accused in court will be provided with all the conditions for his defense. No one shall be subjected to torture, violence, cruel or degrading treatment.

No one may have medical or scientific experiments without His consent. "According to the legislation of the Republic of Uzbekistan, the Constitution of the Republic of Uzbekistan, the Code of Criminal Procedure and other regulatory legal documents provide all the conditions for the defense of a person accused in court.

Only a lawyer has the right to legal protection of an accused or a suspect in criminal proceedings.

Article 116 of the Constitution of the Republic of Uzbekistan

"The accused is provided with the right to defense.

The right to qualified legal assistance is guaranteed at any stage of investigation and court proceedings. Advocacy provides legal assistance to citizens, enterprises, institutions and organizations. "Organization of the Bar Association and its work procedure shall be determined by law". In the criminal procedural law, separate categories of criminal cases are distinguished by their own characteristics. Conducting criminal cases of this category is regulated in the thirteenth section of the Criminal Procedure Code of the Republic of Uzbekistan. In the following articles of this Code, the procedural right of minors to be represented and defended in criminal cases is established, Article 549 of the Criminal Procedure Code stipulates that the legal representative of a minor should participate in the case.





A legal representative must be present in the case of juvenile crimes.

The participation of the legal representative in the case is allowed by the decision of the investigator or from the moment of the first questioning of the minor as a suspect or accused. When the legal representative is allowed to participate in the case, the rights provided for in Article 61 of this Code are explained to him.

If there is a reason to believe that the legal representative harms the interests of the minor by his actions, the legal representative of the minor may be excluded from participation in the case by the decision of the investigator, the investigator or the court. In this case, the protection of the interests of the minor is entrusted to another legal representative or a representative of the guardianship and patronage body.

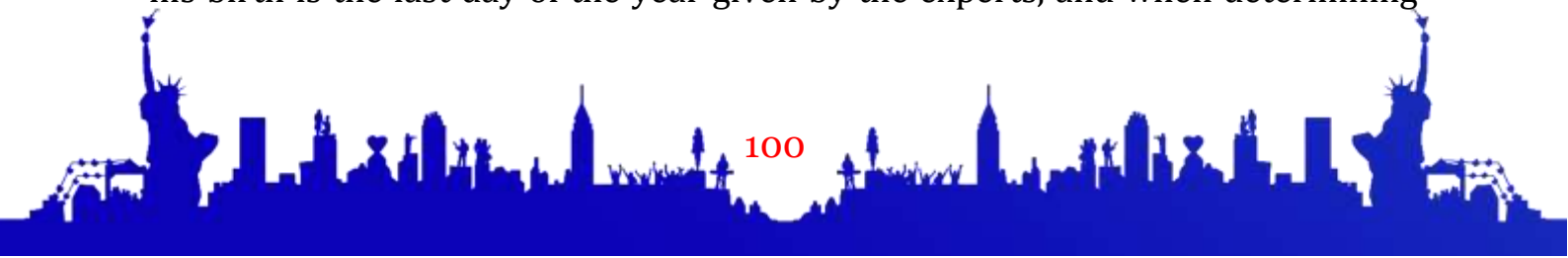
Article 550 of the Code of Criminal Procedure of the Republic of Uzbekistan provides for the participation of a defense attorney in the case of juvenile crimes.

"Starting from the first questioning of a minor as a suspect or accused, the investigator or takes measures to ensure the participation of a defense attorney in the case. For this purpose, it is explained to the minor and his legal representative that they have the right to offer a defense attorney of their choice. If the defense attorney of the minor, if not called by the order or consent of his legal representative or other persons, the investigator or court is obliged to ensure the participation of the defender in the case on his own initiative."

A lawyer should consider that the conduct of work on juvenile cases is regulated by other articles of the Criminal Procedure Code of the Republic of Uzbekistan, in addition to Chapter 60 of the Code of Criminal Procedure of the Republic of Uzbekistan. In the protection of minors, it is necessary to refer to the listed clauses, parts and articles of the Code of Criminal Procedure of the Republic of Uzbekistan on ensuring the rights and legal interests of minors in criminal court proceedings. "In the course of the preliminary investigation and court proceedings against minors, the following circumstances should be determined in addition:

1) age, date of birth, month and year of a minor.

Documents confirming the age of a minor include a birth certificate, a passport, an extract from the book of civil status documents, and an examination report. When determining the age of the defendant by forensic examination, the date of his birth is the last day of the year given by the experts, and when determining





the age with the maximum and minimum net age, the court should be based on the minimum age of this person estimated by the experts;

2) lifestyle and education of a minor, mental development and other characteristics of his personality.

When determining the lifestyle and upbringing of a minor, the following information is determined: information about parents and their substitutes, their ability to raise children in a normal way; on the registration of a minor in the internal affairs bodies, on the measures to be taken regarding the offenses committed by him; on the attitude of a minor to study and work; financial and household conditions of the family; tendency of a minor to consume alcohol and drugs; about the influence of his parents, legal representatives on his upbringing and behavior, and so on.

When determining the level of mental development of a minor and other characteristics of his personality, it is necessary to determine: the stage of his intellectual development, the compatibility of this development with his age, the reasons for slowing down his mental development; the ability of a minor to independently organize one or another type of activity; the social character and values of his interests; availability or non-availability of general information and knowledge stock, moral and ethical rules of behavior, anti-social views;

3) the influence of older persons on a minor.

If, before committing the crime, there were illegal or disturbing actions of older persons against the minor, including those who were found to be victims in the case, the court has the right to consider this as a mitigating circumstance for the punishment of the guilty party.

The lawyer must prove such a situation with evidence.

It is necessary to pay attention to the fact that a minor was not financially, service or otherwise dependent on an adult at the time of committing the crime, and his criminal actions were not forced due to the fact that his will was broken by the illegal actions of an adult.

If minors show signs of retardation in mental development not related to mental disorders, it is necessary to determine whether they fully understand the practical nature and social risks of actions (inaction) or control them.

For this purpose, a comprehensive psychological and psychiatric examination can be conducted, which must be set before the task of solving the following issue: was the minor accused at the time of committing the act charged to him aware of the practical nature and social danger of his actions or was he able to control them? If possible, to what extent?





This determines the intellectual development of a minor in accordance with his age.

Since all these cases have a significant impact on the issue of applying punishment or exemption from it for a minor, the lawyer should be active in collecting information confirming the circumstances that release the minor from responsibility or mitigate the punishment.

In accordance with Article 51 of the Code of Criminal Procedure of the Republic of Uzbekistan, the participation of a defense attorney in criminal proceedings against a minor is considered mandatory.

Failure to comply with the requirements of the law on the mandatory presence of a defense attorney (lawyer) in the preliminary investigation and court hearing of a juvenile case is considered a significant violation of the criminal procedure law and leads to the annulment of the sentence.

Precautionary detention may be used against a juvenile suspect if he or she is suspected or accused of committing a serious or extremely serious crime.

When deciding the issue of choosing a precautionary measure against a minor suspect, the accused, in each case, the possibility of placing it under control in accordance with Article 558 of the Criminal Procedure Code of the Republic of Uzbekistan should be discussed.

Article 556 of the Code of Criminal Procedure of the Republic of Uzbekistan stipulates that the control over a minor suspect, accused is to ensure his good behavior by his parents and guardians or other trusted persons, as well as officials of the specialized children's institution where he lives. individuals give a written commitment.

The summoning of a juvenile suspect, the accused, who is not in custody, to the prosecutor, investigator or court is also carried out through his legal representatives.

The specific provisions set forth in Chapter 60 of the Code of Criminal Procedure of the Republic of Uzbekistan must be followed when interrogating a minor suspect or accused.

First, a defense attorney must be present during the interrogation of a minor suspect, the accused, who has the right to ask him questions, review the interrogation report, and comment on the correctness and completeness of the records in it.

Secondly, interrogation of a minor suspect or accused cannot last more than two hours without a break, for a total of more than 4 hours a day.





Thirdly, the participation of a pedagogue or psychologist in the interrogation of a minor suspect or accused who is under 16 years of age or has reached this age, but suffers from a mental disorder or is retarded in mental development, is mandatory.

According to the Code of Criminal Procedure of the Republic of Uzbekistan, the legal representatives of the minor suspect, the accused, are allowed to participate in the criminal case, based on the decision of the prosecutor, investigator, from the time of the initial interrogation of the minor as the suspect, the accused.

After the completion of the preliminary investigation, the prosecutor, investigator, and investigator may decide not to present case materials that may have a negative impact on the minor accused for perusal. In this case, it is mandatory for the legal representative to get acquainted with these materials of the case.

The lawyer of the minor accused should also familiarize himself with the specified case materials.

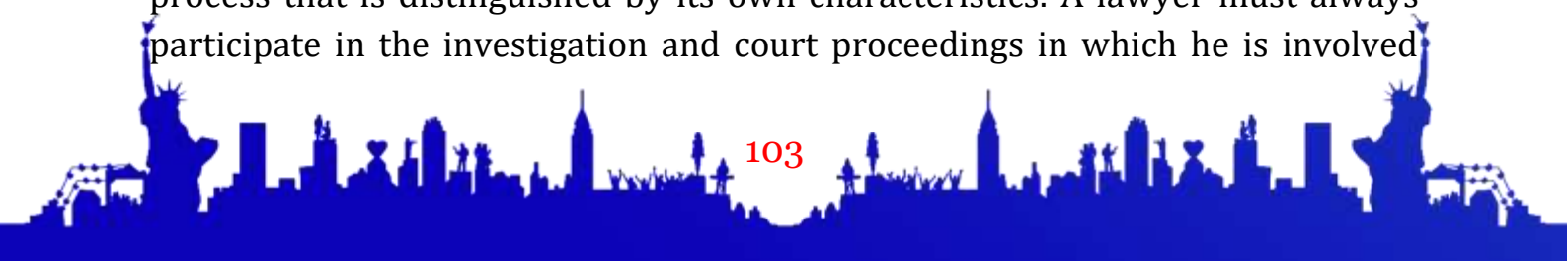
The grounds and conditions for canceling a criminal case with the application of mandatory measures of educational influence against a minor accused at the preliminary inquiry stage are set out in the Code of Criminal Procedure of the Republic of Uzbekistan. exemption from criminal punishment with - is described in Articles 556, 557 of the Criminal Procedure Code of the Republic of Uzbekistan.

Lawyers should pay attention to the following situation: when a criminal case is canceled under Article 84 of the Code of Criminal Procedure of the Republic of Uzbekistan (the parties reached a settlement), when the victim is a minor, the written consent of the legal representative of the minor is required to cancel the case for this reason.

Juvenile defense attorneys must provide that when sentencing a juvenile, the court may release the juvenile with mandatory measures of educational impact or send him to specialized institutions for juveniles, or impose a suspended sentence or sentence that is not related to deprivation of liberty. should solve the issue of possibility.

The provisions of the Civil Code of the Republic of Uzbekistan should be followed when assigning responsibility for damage caused to a minor.

I can conclude: Civil and criminal cases involving minors are an important legal process that is distinguished by its own characteristics. A lawyer must always participate in the investigation and court proceedings in which he is involved





with responsibility, thoroughness and high professional skills. carries a great professional and moral responsibility.

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